

AMENDED IN ASSEMBLY MAY 21, 2012

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2559

Introduced by Assembly Member Buchanan

February 24, 2012

An act to add Chapter 5.5 (commencing with Section 8070) to Division 4 of the Public Utilities Code, relating to natural gas pipelines.

LEGISLATIVE COUNSEL'S DIGEST

AB 2559, as amended, Buchanan. Natural gas pipelines: pipeline integrity management.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including gas corporations, as defined. The Natural Gas Pipeline Safety Act of 2011 designates the commission as the state authority responsible for regulating and enforcing intrastate gas pipeline transportation and pipeline facilities pursuant to federal law, including the development, submission, and administration of a state pipeline safety program certification for natural gas pipelines.

This bill would require the commission to ensure that a local entity is provided notice by a gas corporation whenever a pipeline integrity management plan, as defined, may result in the gas corporation undertaking pipeline inspection, remediation, or replacement work within the jurisdiction of the local entity, and the inspection, remediation, or replacement work within that jurisdiction is likely to require action by the local entity to approve or facilitate the work. The bill would require that the local entity that has been provided with notice

expedite any permitting, as defined, or other actions necessary to complete any pipeline inspection, remediation, or replacement work within the jurisdiction of the local entity that is necessary pursuant to the pipeline integrity management plan. *The bill would require a local entity that cannot issue a decision on a permit within 10 business days of the submission of the permit application, to provide a written explanation to the utility applying for the permit, and to provide the utility with a timeline by which the local entity will, as soon as possible, issue a decision on the permit.* The bill would also prohibit a local entity from imposing permit requirements that exceed the scope of the proposed pipeline project, unless the additional requirements specifically relate to the project and are necessary for public safety. By requiring a higher level of service by local government entities that may be affected by work undertaken pursuant to a pipeline integrity management plan, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.5 (commencing with Section 8070) is
2 added to Division 4 of the Public Utilities Code, to read:

3
4 CHAPTER 5.5. NATURAL GAS PIPELINE CONSTRUCTION

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6 8070. (a) For purposes of this section, the following terms
7 have the following meanings:

8 (1) "Expedite any permitting" means to issue a decision on a
9 permit within 10 business days of the submission of the permit
10 application. ~~Where a local agency cannot issue a decision on a~~
11 ~~permit within 10 business days of the submission of the permit~~
12 ~~application, the agency shall provide a written explanation to the~~
13 ~~utility applying for the permit, and shall provide the utility with a~~

1 ~~timeline by which the agency will, as soon as possible, issue a~~
2 ~~decision on the permit.~~

3 (2) “Local entity” means a city, county, city and county, local
4 agency, joint powers agency, special district, or any entity of local
5 government that has authority to grant approvals necessary to
6 implement a pipeline integrity management plan within the
7 jurisdiction of the local entity.

8 (3) “Pipeline integrity management plan” means ~~the written~~
9 ~~integrity management program prepared by a gas corporation to~~
10 ~~comply with the requirements adopted by the federal Pipeline and~~
11 ~~Hazardous Materials Safety Administration of the Department of~~
12 ~~Transportation pursuant to Subpart O (commencing with Section~~
13 ~~192.901) of Part 192 of Title 49 of the Code of Federal Regulations~~
14 *an activity undertaken by a public utility to enhance the safety of*
15 *an intrastate natural gas pipeline in accordance with a decision,*
16 *rule, or regulation adopted by the commission.*

17 (b) The commission shall ensure that a local entity is provided
18 notice by a gas corporation whenever a pipeline integrity
19 management plan may result in the gas corporation undertaking
20 pipeline inspection, remediation, or replacement work within the
21 jurisdiction of the local entity, and the inspection, remediation, or
22 replacement work is likely to require action by the local entity to
23 approve or facilitate the work.

24 (c) A local entity that has been provided notice pursuant to
25 subdivision (b) shall expedite any permitting or other actions
26 necessary to complete any pipeline inspection, remediation, or
27 replacement work within the jurisdiction of the local entity, and
28 that is necessary pursuant to an approved pipeline integrity
29 management plan. *Where a local entity cannot issue a decision on*
30 *a permit within 10 business days of the submission of the permit*
31 *application, the local entity shall provide a written explanation to*
32 *the utility applying for the permit, and shall provide the utility with*
33 *a timeline by which the local entity will, as soon as possible, issue*
34 *a decision on the permit.*

35 (d) A local entity shall not impose permit requirements that
36 exceed the scope of the proposed pipeline project, unless the
37 additional requirements specifically relate to the project and are
38 necessary for public safety.

39 SEC. 2. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

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